

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Magistrate No.
04M-1069-JGD

UNITED STATES OF AMERICA

v.

JUAN ROSARIO

MEMORANDUM AND ORDER OF DETENTION

April 16, 2004

DEIN, M.J.

The defendant is charged in a criminal complaint with conspiracy to distribute, and possess with intent to distribute, five kilograms or more of cocaine, a Schedule II controlled substance, in violation of 21 U.S.C. §§ 841(a)(1) and 846. An initial appearance was held on April 8, 2004, at which time the government moved for detention under 18 U.S.C. §§ 3142(f)(1)(C) (danger to the community) and (f)(2)(A) (risk of flight). A probable cause and detention hearing was held on April 16, 2004. The defendant was represented by counsel.

At the probable cause and detention hearing, the government presented its case by way of the testimony of Special Agent Christian Brackett. At the conclusion of the testimony the defendant, through counsel, notified the court that the defendant waived his challenge to probable cause, and agreed to the entry of a voluntary order of detention, without prejudice to his right to seek release at a later date.

IT IS ACCORDINGLY ORDERED that the defendant be DETAINED pending trial,
and it is further Ordered --

(1) That the defendant be committed to the custody of the Attorney General for confinement in a correction facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;

(2) That the defendant be afforded a reasonable opportunity for private consultation with counsel; and

(3) On order of a court of the United States or on request by an attorney for the government, the person in charge of the corrections facility in which the defendant is detained and confined deliver the defendant to an authorized Deputy United States Marshal for the purpose of any appearance in connection with a court proceeding.

The defendant may seek reconsideration of this order by filing an appropriate motion proposing conditions of release.

/ s / Judith Gail Dein
Judith Gail Dein
United States Magistrate Judge